



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,265	11/09/2000	Willem Van Erk	PHN-17.734	3672

7590 10/01/2002

Corporate Patent Counsel
U S Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

GEMMELL, ELIZABETH M

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,265

Applicant(s)

VAN ERK, WILLEM

Examiner

Beth Gemmell

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on application filed 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

- The specification lacks all subheadings (i.e.: Summary of the Invention, Detailed Description).

Appropriate correction is required.

Claim Objections

Claim 6 is objected to because of the following informalities:

- Line 1: "claim 1,4 characterized"; should be --claim 1 or 4--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fromm et al. (US Patent 6,069,456).

Fromm et al. discloses a high-pressure gas discharge lamp comprising: a quartz glass (column 2, line 44) lamp vessel (figure 1, 1) which is closed in a gastight manner (column 8, line 7), with a space which is enclosed by a wall and in which a pair of electrodes is arranged (fig 1, 14); an outer surface of the wall extending between the pair of electrodes (figure 1, 20); a filling provided in the space and comprising a rare gas and halides of tin and indium (column 4, line 33); characterized in that the wall has a wall load of at least 30 W/cm^2 at its outer surface, and in that the filling comprises an alkali metal halide with at least one alkali ion and at least one halide ion, the alkali ion being chosen from the group formed by potassium, rubidium, and cesium (column 4, line 64), and the halide ion being chosen from the group formed by chlorine, bromine, and iodine (column 4, line 48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm et al.

Re claim 2: Fromm et al. fails to disclose that the lamp has a discharge arc with a length of at most 10mm.

Fromm et al. does disclose a separation between the electrodes to be 9mm (column 9, line 51). Since the nature of the discharge arc is not to travel directly from electrode to electrode, but rather curve away in between the electrodes it would be obvious to one of ordinary skill in the art that the discharge arc would than be at most 10mm.

Re claim 3: Fromm et al. fails to disclose the use of potassium as the alkali ion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use potassium as the alkali ion because potassium is an alkali metal and Fromm et al. discloses the use of alkali metals within the discharge lamp therefore it is only a functional equivalent substitution to use potassium rather than another alkali metal.

Re claim 6: Fromm et al. fails to disclose the high pressure lamp as a DC lamp.

Fromm et al. does disclose the use of an AC lamp (column 5, lines 35+). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a DC lamp rather than an AC lamp because it is well known in the art that it is dependent upon the circuit the lamp is run on and is only a choice of the system it is run on.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm et al. in view of Sugimoto et al. (US Patent 5,479,065).

Fromm et al. fails to disclose a high-pressure gas discharge lamp comprising a reflector.

Sugimoto et al. discloses a high-pressure gas discharge lamp comprising a reflector (figure 1,12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus disclosed by Fromm et al. with that of a reflector because it would increase the brightness of the lamp, therefore increasing the efficiency of the lamp.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ° US Patent 5,965,984 discloses an indium halide and rare earth metal halide lamp having a wall load of $48-62 \text{ W/cm}^2$
- ° US Patent 5,592,050 discloses a reflective metal halide lamp having a wall load of $35-80 \text{ W/cm}^2$

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

Application/Control Number: 09/709,265
Art Unit: 2882

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

emg

emg
September 25, 2002

RH Kim
ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800